



AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request


Zoning/Code Supervisor

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- April 27, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

*Subject to Change

- | | | | |
|---------------------------------------|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

FY2011 DESIGNATED HIGH PRIORITY ITEM

SUBJECT TITLE: Broward County Bike Sharing Program - B-Cycle locations and Commercial Signage on Kiosks

EXPLANATION:

At the February 8, 2011 Commission Roundtable meeting a representative (Danielle Dejean) from B-cycle LLC provided a presentation and explained the program. After the presentation and questions, the Commission provided direction for staff to work out more details of the program with B-cycle and come back with suggestions for locations, etc.

Staff has been working with Jose Basulto (BMC Consultant for B-Cycle LLC) who is working on station locations and permitting in Broward County for this program. There are four (4) locations that staff along with Jose identified as potential sites that could be viable and are list below in priority order:

1. A-1-A town public parking lot. (Exhibit 2)
2. Alley between Oriana and the Pier. (Exhibit 3)
3. El Prado Park. (Exhibit 4)
4. 4342 E Tradewinds (Exhibit 5)

One issue has arisen since the presentation regarding signage. There is signage proposed for sponsorship advertisement to be placed on the Kiosks (Exhibit 8). The code currently does not allow the proposed signage. We have been advised by Rod Feiner (Representative for B-cycle) that sponsorship advertisement is a mandatory requirement, without it, they would not financially be able to locate any kiosks within Lauderdale-By-The-Sea.

The Town Attorney advises by making the revisions which would be required to allow otherwise prohibited advertising in the right-of-way by license agreement, the Town's billboard/off-premise sign regulations may raise attention and potentially be subject to increased risk of challenge. While recent decisions have upheld similar arrangements in New York and California, it is important to note that these cases are not binding within Florida, where courts have not yet specifically addressed this issue. The Town must weigh the benefits associated with a license agreement of this type with the risk of future legal challenges. Once the Town is a party to any proposed license agreement, it will be limited in its ability to respond to any future adverse judicial decisions. The Town could be faced with the undesirable choice between breaching a license agreement in order to protect its billboard/off-premise sign ban, and honoring the agreement but losing litigation over its ban and thereby opening the Town up to more such signage. For this reason, if the Town chooses to proceed with the proposed code change (Exhibit 1), arranging short term license agreements with frequent renewals/options to terminate without damages could help to mitigate the risk.



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B-cycle needs to know whether the program is going to be a go or not by August 1 in order to make an October roll out date. That means that by this time the License Agreements need to be approved by the Town Commission and the sponsorship packages need to be allowed.

There is an active NOI (Notice of Intent) in place under which the necessary revisions to the sign code can be made.

RECOMMENDATION: Staff recommends the Commission direct staff to draft an amendment to the code to allow the type of signage B-cycle is requesting. Additionally, staff recommends the first kiosk station be installed at the A-1-A parking lot location (**Exhibit 2**). We recommend the space be provided at no cost to B-cycle as this program provides environmental benefits to the community and is consistent with the Town's Master Plan goals and the Comprehensive Plan. If the results are favorable/successful, then B-cycle could install the kiosks in other locations.

- EXHIBITS:**
- Exhibit 1 – Proposed code amendments
 - Exhibit 2 – A-1-A town public parking lot
 - Exhibit 3 - Alley between Oriana and the Pier
 - Exhibit 4 - El Prado Park
 - Exhibit 5 - 4342 E Tradewinds
 - Exhibit 6 - Minutes of the Roundtable meeting February 8, 2011
 - Exhibit 7 – B-Cycle Program (Description)
 - Exhibit 8 – Kiosk signage

Reviewed by Town Attorney

Town Manager *CA*

Yes No

Initials _____

B-Cycle Proposed Text Amendment - LBTS

Sec. 30-503. - Permitted signs.

The following types of permanent signs may be erected, installed, repaired or replaced within the Town, only in conformance with these regulations and after issuance of a permit by the Development Services Department:

- (1) Box signs;
- (2) Building or development identification signs;
- (3) Cabinet signs;
- (4) Canopy and awning signs;
- (5) Directory sign;
- (6) Hanging signs;
- (7) Informational, directional and traffic control signs;
- (8) Changeable copy signs;
- (9) Menu board signs;
- (10) Monument signs;
- (11) Multi-modal transportation information signs for Town-licensed multi-modal transportation facilities located in rights of way;
- (~~12~~) Name and address signs;
- (~~13~~) Neon signs;
- (~~14~~) Painted signs;
- (~~15~~) Pole signs;
- (~~16~~) Pylon signs
- (~~17~~) Roof signs;
- (~~18~~) Sandwich signs for valet parking services and for paid private parking;
- (~~19~~) Subdivision and residential development identification signs;
- (~~20~~) Wall signs; and
- (~~21~~) Window signs.

* * *

Sec. 30-505. - Prohibited signs.

The following types of signs are expressly prohibited within the Town:

* * *

- (7) Private signs of any type placed upon Town property or upon public right-of-way unrelated to a licensed use of the right of way;
- (8) Signs placed upon benches, trash receptacles or newsracks;

* * *

Sec. 30-507. - Definitions and restrictions by sign type.

* * *

Informational, directional or traffic control sign:

- a. A noncommercial sign erected and maintained by the Town, County or State, or any agency thereof, or specifically provided for a facility licensed with the Town, to denote the name of any thoroughfare, route directions, educational institution, public building, park, recreational facility or hospital; to provide multi-modal transportation facility ownership and operational directions; to direct and regulate traffic; to denote any transportation or transmission company for the direction or safety of the public; or to provide any other governmental information.
- b. A noncommercial sign located on and relating to an activity on the premises upon which the sign is located, providing information to pedestrian and vehicular traffic, e.g., "entrance," "exit," "caution" and "no trespassing."
- c. A noncommercial sign within a development, or at the entrances thereto, showing the name(s) and directions to the locations of the subdivisions comprising the development, a sales office, etc.

* * *

Multi-modal transportation facility: A facility approved through license by the Town, used for the storage of vehicles which are utilized in a Town-wide rental and sharing system for such vehicles.

Multi-modal transportation information sign: A sign, specifically provided for as part of a license with the Town for a designated multi-modal transportation facility, which is attached to said facility for the purpose of providing maps, directional and instructional information, and identifying the owner or manufacturer of the facility; for users of the system. Said signs shall not be illuminated or include any flashing, moving, digital, video display or electronic changeable copy features. A single informational sign not to exceed 30" by 30", per facility, may identify sponsors of the facility and program on the opposite side of the information sign. In addition, each pay station may contain up to four signs to identify facility sponsors, one per pay station side, not to exceed one (1) sq. ft. All sign faces shall be oriented towards users of the multi-modal transportation facility and not toward the motorized vehicle traffic.

* * *

EXHIBIT 2



Double sided, 11 dock, solar powered station, anchored to new 16' x 12' slab. May require removal of landscaping.

EXHIBIT 3



Single sided, A.C. powered,
32' long, 11 dock station,
anchored to existing surface.

EXHIBIT 4



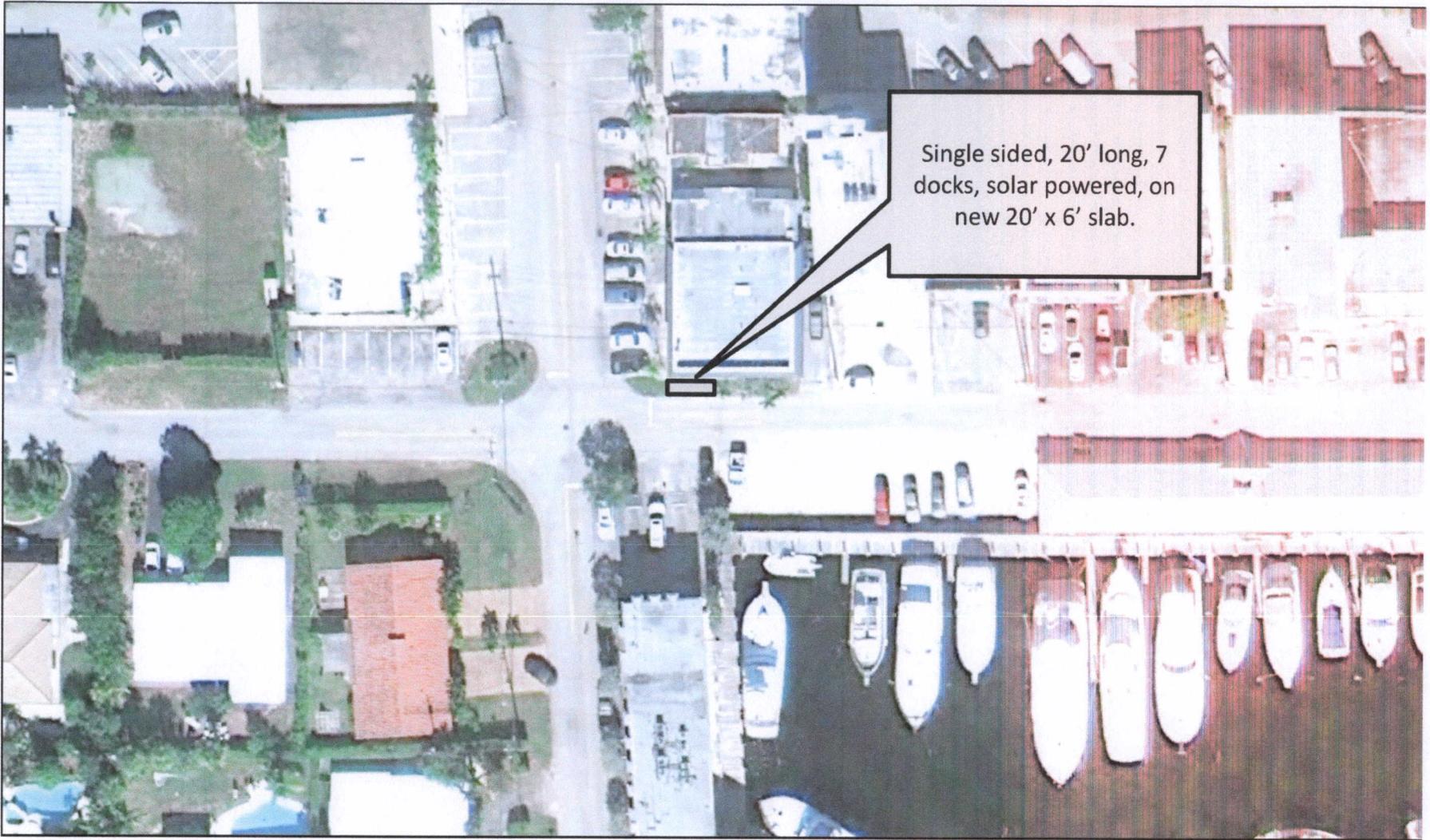


Solar powered, 5 docks, on new 16x10' slab.

Solar powered, 10 docks, on new 26x10' slab. Requires partial removal of landscaping.



Solar powered, single sided,
15 docks, on new 42x6'
slab.



Single sided, 20' long, 7
docks, solar powered, on
new 20' x 6' slab.

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other bus projects moving forward with grant funds within the county. He explained that portions of Palm Beach County were annexed into Broward County last year due to a Planning Engineering & Development Study which allowed new dwelling units to be built.

Commissioner Clotey questioned whether the Broward MPO could do anything about the A1A and Commercial Boulevard intersection which was considered a dangerous area. She asked what would be needed to build a walkway over A1A. Mr. Stuart explained that the project would cost approximately one million dollars. He added that an overpass worked in other communities but the money could be put to better use in Lauderdale-By-The-Sea.

Mayor Minnet stated that the traffic signal synchronization at A1A and Commercial Boulevard was a problem. Mr. Stuart said that his office was willing to contact the proper authorities in regards to the traffic signals.

b. Presentation by B-cycle - Broward County Bike Sharing Program (Development Services Director Jeff Bowman)

Danielle Dejean, Director of Operations for B-cycle, gave a brief presentation on how the program worked. She explained that the presentation was originally given and approved by Broward County. Ms. Dejean said the program would implement a dense network of stations throughout the community that allowed customers to rent a bicycle at one location and return it to another. She explained that the program promoted short trips so as not to compete with bicycle rental companies and was structured for both tourists and residents. Ms. Dejean added that the price was slightly more for tourists making the price less expensive for the residents of the community. She said that residents had the option of purchasing daily, monthly, and annual passes and the first 30 minutes of the rental was free of charge. She explained that the bicycle station could either be solar powered or electric. Ms. Dejean stated that the program to be implemented in Broward County would consist of 30 stations and 275 bicycles and would grow over a five year period to 600 bicycles. She said that the launch date was set for October 2011 and the company intended to contract with Broward County rather than individual cities. Ms. Dejean added that B-cycle was working with the cities to gain a consensus of the locations for the bicycle stations. She explained, if the Town chose to participate in the program, B-cycle would need to go through licensing and permitting for station locations on Town property and work through any sign codes due to the advertising necessary for the program. Ms. Dejean added that that B-cycle was not asking for any type of financial contribution from the Town and that sponsorships could help offset the costs of operating the system. Ms. Dejean explained that the stations were modular and could be single-sided or double-sided.

Commissioner Vincent questioned how the system would work when a station received an overflow of bicycles. Ms. Dejean explained that each station had 1.5 spaces; 1 bicycle ratio allowed additional space for returned bicycles. She added that each station came equipped with software that notified the company when a station was

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almost empty or full. Commissioner Vincent questioned what a customer would do if the station was full and a bicycle needed to be returned. Ms. Dejean explained that the customer could swipe their card and the system would allow them an additional 15 minutes free of charge to get to the next station and return the bicycle.

Commissioner Vincent questioned whether the Town would need to enter into a lease agreement for the space needed for the stations. Ms. Dejean explained that other communities implemented revocable license agreements that covered all of the stations located within the Town. Town Manager Hoffmann explained that staff had not held any detailed discussions with the company and the item was on the agenda for direction from the Commission. Mayor Minnet said she was in favor of the idea and wanted to make sure the program fit into the Master Plan.

Mayor Minnet questioned whether B-cycle completed negotiations with the cities of Pompano Beach, Ft. Lauderdale, and Hollywood. Ms. Dejean explained B-cycle was currently negotiating with those cities. She added that a contract with Broward County was complete, establishing B-cycle as the preferred vendor to operate within Broward County. Commissioner Sasser questioned whether Broward County received a portion of the revenue. Ms. Dejean said they did not; they only endorsed the company as the preferred vendor. Vice Mayor Dodd questioned whether the free 30 minutes that was offered to annual pass holders was daily. Ms. Dejean explained that the policy took effect on each ride. Commissioner Clotney asked whether B-cycle assumed the liability, should a rider be injured. Ms. Dejean confirmed that B-cycle did assume liability and was fully insured.

Mayor Minnet inquired as to who maintained the system. Ms. Dejean clarified that B-cycle maintained the stations and inspected the bicycles every two weeks. Town Manager Hoffmann questioned whether the company intended to receive the location from the Town at no cost. Ms. Dejean explained that the company wished to obtain the property without cost.

There was Commission consensus for staff to move forward with the program and report back to the Commission at the April 12, 2011 Roundtable Meeting.

c. Sunday Morning Sale of Alcoholic Beverages (Vice Mayor Stuart Dodd)

Vice Mayor Dodd explained that the City of Ft. Lauderdale recently changed their code regarding the sale of alcohol on Sunday mornings to accommodate tourists. He said that he had no desire to change the code regarding the sale of alcohol at supermarkets. Mayor Minnet said that she was in favor of giving the restaurants an advantage to better serve the tourists.

Attorney Abbott explained that the City of Ft. Lauderdale voted to change their code on the sale of alcoholic beverages at their last Commission meeting. He said that the information was not yet available in their minutes but a copy of the draft ordinance could be obtained. Town Manager Hoffmann questioned whether the Town could confine the

B-Cycle Program

The Broward County Commission entered into an agreement with B-cycle LLC for Management and Operation of the Bike Sharing Program on October 26, 2010.

Bike sharing & B-cycle

The bike sharing system allows riders to check a bike out from one station and return it to another, allowing the convenience of one-way trips. It is primarily intended for “last-mile” transportation (ie, short trips that would otherwise be taken by car), but also reduces obesity, traffic congestion and pollution. The bikes are tracked, load balanced and well maintained through the use of RFID technology – inspected at least every 14 days. They also have GPS, which not only allows riders to view/share their own routes on Google maps, but the routes can be aggregated to provide the most accurate bike route planning tool for cities to date.

B-cycle in Broward County & Lauderdale-by-the-Sea

B-cycle is launching in Broward County in 2011 with around 275 bikes. This number will grow to around 575 bikes by 2016. These bikes will be available to the public either through online membership (more affordable, for residents), or at the stations themselves (more convenient, for tourists who will help subsidize the program for residents). The bikes are locked and available for checkout at automated stations located throughout Broward County, centering on Ft. Lauderdale, Hollywood and Pompano Beach communities in 2011.

Sponsorship/advertising

Bike sharing is a transportation service for the community. However, B-cycle is not receiving money from Broward County or any of the cities/communities their locating the stations in. The only financial help they may receive is FDOT JPA funds for 75 bikes and related stations. So, this is a private business model that B-cycle is trying establish. They will need sponsorship/advertising to make the model financially feasible, as revenue from memberships and usage fees will not cover the cost of the equipment and system operations. In Ft. Lauderdale, Hollywood and Pompano Beach, they are in the process of submitting special use permits for tasteful, limited sponsorship/advertising on the bikes and stations, which can be legally compared to taxi-tops and bus benches respectively.

Permitting & licensing

The stations are modular and configurable, bolted or non-bolted, require the equivalent of 2 light bulbs of power-draw, and can be A/C or solar-powered (completely off-grid, sunlight permitting). B-cycle is working with each community to determine:

- what consensus/approvals are needed to recommend locations to the city commissions
- what permits/revocable licenses are required,
- what ROW spaces (including parking spaces) could be made available for station locations

Station pictures



Bike pictures

